



Kirkpatrick & Lockhart Nicholson Graham LLP

599 Lexington Avenue
New York, NY 10022
212.536.3900
Fax: 212.536.3901

FAX

Date • December 20, 2005
Pages • 3
Transmit To • Examiner Edward Webman
Company/Firm • United States Patent and Trademark Office
Fax No. • 571-273-0633
From • Roger Pitt
Phone • 212.536.4867

Re: Pascal DELRIEU and LI DING
U.S. Patent Application No. 10/017,259 Filed: November 12, 2001
(Continuation of USAN 09/431,742 Filed: November 1, 1999)
Attorney Docket No. PD111 Confirmation No. 7140
"COSMETIC PARTICULATE GEL CARRIERS FOR TOPICALLY
APPLIED ACTIVE AGENTS"

Please enter the accompanying terminal disclaimer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Roger Pitt', written over a horizontal line.

Roger Pitt
Reg. No. 46,996 Phone (212) 536-4867

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, to
Fax No. (877) 273-0633, on December 20, 2005.

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Roger Pitt Reg. No. 46,996



Kirkpatrick & Lockhart Nicholson Graham LLP

599 Lexington Avenue
New York, NY 10022-6030
212.536.3900
Fax 212.536.3901
www.klmg.com

December 20, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SIR:

We enclose herewith:

☒ Terminal Disclaimer;

AUTHORIZATION TO CHARGE PTO DEPOSIT ACCOUNT: The Commissioner is hereby authorized to charge the undersigned's PTO Deposit Account No. 080570 in the amount of \$65.00 in payment of the terminal disclaimer fee. The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 08-0570.

The applicants hereby petition under 37 CFR 1.136 or other applicable rule to have the response period extended the number of months necessary to render the attached communication timely if a petition is required.

Respectfully submitted,

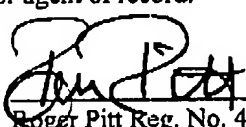
Roger Pitt

Reg. No. 46,996 Phone (212) 536-4867

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Roger Pitt Reg. No. 46,996

NY-407951 v1

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT		Docket Number PD111
In re Application of:	DELRIEU et al.	
Application No.:	10/017,259	
Filed:	November 12, 2001	
For:	"COSMETIC PARTICULATE GEL CARRIERS FOR TOPICALLY APPLIED ACTIVE AGENTS"	
<p>The owner <u>KOBO PRODUCTS, INC.</u> of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>5,961,990</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 165 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g.) corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> <div style="text-align: center;"> _____ Roger Pitt Reg. No. 46,996</div> <p style="text-align: right;">December 20, 2005</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p>		